

OFFICIAL

P-5500-CP1-D1 PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of R. Dennis Nesbitt

Serial No.: 09/826,727

Examiner: J. Del Sole

Filing Date: April 5, 2001

Group Art Unit: 1722

For: Process for Producing Polybutadiene Golf Ball Cores

Commissioner for Patents & Trademarks
Washington, DC 20231

6/KA
5/2/03

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In the Office Action of April 22, 2003, the Examiner stated that Restriction of an invention is required under 35 U.S.C. 121. The Examiner stated that the claims are directed to two distinct inventions as follows: Group 1) Claims 1 to 11, drawn to an extrusion apparatus; and Group 2) Claims 20 to 21, drawn to a golf ball preform. The Examiner further stated that Group 1, Claims 1 to 11 are directed to the following patentably distinct species: 1) Figures 4 to 8; and 2) Figures 9 to 11.

CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this Response to Election/Restriction Requirement is being transmitted by facsimile on this date April 28, 2003, to TC1700 at 703-872-9310 addressed to: Attention: Examiner J. Del Sole, Assistant Commissioner for Patents, Washington, DC 20231.

Laura J. Nolan
Laura J. Nolan

APR 28 2003

09/826,727

P5500-CP1-C1

Applicant respectfully submits that there are not two distinct species represented by Figures 4 to 8 and Figures 9 to 11. Applicant respectfully disagrees with the Examiner's statement regarding claim 10 and respectfully points out that contrary to the Examiner's assertions, there is a sheeter in the species in which there is "core stock being extruded through the at least one die" (claim 10). Applicant respectfully directs the Examiner's attention to page 11, lines 25 to 30, where a sheeter 152 is described as including an extruder 58 and a die head 154, and this is shown in Figures 9 and 10. Claim 10 correctly depends from claim 1 and claims the version shown in Figures 9 and 10 which do not comprise the calendar portion of claim 2. Applicant respectfully submits that claim 1 is generic as it is directed to a processing system having an internal mixer, a sheeter, and preform shaping means.

Applicant respectfully proposes that the requirement to choose a species be reconsidered since both of the apparatus types shown do have a sheeter, and differ only in the method for forming the material (calendar vs. die head). If the Examiner reconsiders and withdraws the election of species, Applicant elects to prosecute Group 1, claims 1 to 11, without traverse. If the Examiner maintains the election requirement, Applicant elects species 1, Figures 4 to 8, with traverse, for the reasons discussed above. The claims that read on species 1 and 2 are discussed below.

Applicant respectfully submits that claim 1 is generic; claims 2 to 9 are directed to species 1, Figures 4 to 8; and claims 10 and 11 encompass the embodiment of Figure 2. Applicant elects claims 1 to 9 if the election of species is maintained.

Respectfully submitted,

R. DENNIS NESBITT

Customer No. 24492
Phone: (413) 322-2937

Date: April 28, 2003

By: Michelle Bugbee
Michelle Bugbee, Reg. No. 42,370
Spalding Sports Worldwide
Attorney for Applicant
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901

APR 28 2003